

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

1:19MJ4113-JDG

UNITED STATES POSTAL INSPECTION SERVICE

I, Marc A. Kudley, DO HEREBY DEPOSE AND SAY:

1. I am a United States Postal Inspector, employed by the U.S. Postal Inspection Service (USPIS) in Cleveland, Ohio since May 2012. I am a sworn Federal law enforcement officer empowered to investigate criminal activity involving or relating to the U.S. Postal Service (“USPS”) and/or U.S. Mail. I am currently assigned to the Prohibited Mailing Narcotics team, which investigates the mailing of illegal narcotics, dangerous drugs and their proceeds. I have received training in the detection and investigation of prohibited mailing offenses. Based on my training and experience investigating drug offenses, I am aware that certain quantities of drugs indicate whether the drugs are intended for personal use or distribution. I have worked Prohibited Mailing Narcotics investigations since August 2012, during which time I have been involved in narcotics investigations leading to prosecution in U.S. District Court, as well as state courts.
2. This affidavit is in support of a criminal complaint against MARVIN S. PROCTOR.
3. Because this affidavit is submitted for the limited purpose of supporting a criminal complaint and arrest warrant, I have not included each and every fact known concerning this investigation. I have set forth only the facts I believe necessary to establish probable cause that PROCTOR has committed violations of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), that is attempted possession with intent to distribute Heroin, a schedule I controlled substance, Fentanyl, a schedule II controlled substance, Acetylfentanyl, a schedule I controlled substance, and Carfentanil, a Schedule II controlled substance, violation of Title 21, United States Code, Sections 846, conspiracy to possess with intent to distribute Heroin, Fentanyl, Acetylfentanyl, and Carfentanil, and Title 18 United States Code, Section 922(g), felon in possession of a firearm.
4. I know based on training and experience that U.S. Mail is often used by narcotic traffickers to transport controlled substances, proceeds derived from the sale of controlled substances, and other contraband such as firearms and other illegal firearms parts. I know from my training and experience that the USPS Priority Mail system is commonly used to transport controlled substances, proceeds derived from the sale of controlled substances, and other contraband because Priority Mail provides traceability, reliability, and timely delivery. The guaranteed delivery timeframe of approximately two to three days for Priority Mail places time pressures on law enforcement agents to identify, search, and deliver these drug parcels in a timely manner.

5. In March 2019, your Affiant starting working with Special Agents of Homeland Security Investigations (HSI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the international mailing of illegal Glock conversion devices, commonly referred to as a Glock Switch or Glock Auto Sear (hereinafter referred to as "Glock Switch"). A Glock Switch is a part, combination of parts, designed and intended for use in converting a semiautomatic Glock pistol into a machinegun. Based on the foregoing, the pistol becomes a machinegun, which is prohibited by The Gun Control Act.
6. Your Affiant was advised that law enforcement agents contacted representatives with Glock in March 2019 and sent images of seized Glock Switches to Glock for authentication. Glock advised it does not manufacture such parts. Glock verified that the parts can be used to convert a Glock semi-automatic firearm into a machinegun. Glock is aware of the switches offered for sale on internet websites. The items are aftermarket devices and are not authorized or endorsed by Glock.
7. Your Affiant assisted HSI and ATF with the interception of International Mail parcels destined for the Northern District of Ohio that were suspected of containing Glock Switches or other illegal gun parts mailed from China. HSI provided a watch list of targeted International Mail parcels to your Affiant. On March 26, 2019 at the Shaker Heights, OH Post Office, your Affiant intercepted a USPS parcel on the watch list, further described as USPS International Mail parcel bearing label number LW117480493CN, addressed to Richard Barber, 4945 Osborn Road, Garfield Heights, OH 44128 (hereinafter "USPS parcel LW117480493CN"). On March 28, 2019 at the USPIS Cleveland, OH Field Office, a HSI Task Force Officer executed an extended border search of USPS parcel LW117480493CN, resulting in the seizure of four Glock Switches in four separate clear zip lock bags.
8. Your Affiant made inquiries with CLEAR, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, concerning the delivery address of 4945 Osborn Rd, Garfield Heights, OH 44128, and was able to associate Richard Barber at the address as of July 2017. According to Cuyahoga County property records, Richard Barber is the owner of the property located at 4945 Osborn Rd, Garfield Heights, OH 44128.
9. Phone number 216-562-8807 was listed for Richard Barber on USPS parcel LW117480493CN. According to CLEAR, phone number 216-562-8807 was subscribed to Richard Barber at 14514 Wessex St, Tampa, FL 33625 as of March 2019.
10. Your Affiant reviewed a history of USPS parcels delivered to 4945 Osborn Rd, Garfield Heights, OH 44128 and 14514 Wessex St, Tampa, FL 33625 within the past year and did not identify any other International Mail parcels from China.

Starting in late 2018, your affiant identified a pattern of domestic USPS parcels mailed from Tampa, FL to 4945 Osborn Rd, Garfield Heights, OH 44128 and USPS parcels mailed from Cleveland, OH to 14514 Wessex St in Tampa, FL.

11. Your Affiant obtained images of three USPS parcels mailed from Tampa, FL to 4945 Osborn Rd, Garfield Heights, OH 44128. The three parcels were addressed to three different recipients (A. Walker, Timothy Walker, and Terrance Walker respectively) and bore three different sender names and return addresses. According to CLEAR, none of the aforementioned addressee names were associated with 4945 Osborn Rd, Garfield Heights, OH 44128. According to CLEAR, the sender names also did not associate with their respective return addresses. Based on the foregoing, the addressee and sender names listed on the USPS parcels appeared to be fictitious names.
12. Postal Inspectors obtained images of seven parcels mailed from Cleveland, OH to 14514 Wessex St in Tampa, FL. Similar to the USPS parcels mailed from Tampa, FL to 4945 Osborn Rd in Garfield Heights, OH, the parcels mailed from Cleveland, OH to 14514 Wessex St in Tampa, FL also bore fictitious addressee and sender names.
13. Postal Inspectors know based on training and experience that fictitious names are often used on USPS parcels that contain controlled substances, proceeds derived from the sale of controlled substances, or other contraband.
14. Your Affiant analyzed USPS business records and identified approximately twelve other addresses in the Cleveland, OH area that received similar USPS Priority Mail parcels from Tampa, FL. One of those addresses was 4947 Osborn Rd, Garfield Heights, OH 44128, a residence directly next door to 4945 Osborn Rd, Garfield Heights, OH 44128, the intended delivery address of the four Glock Switches.
15. Your Affiant made inquiries with CLEAR concerning the delivery and return addresses on the USPS parcel addressed to 4947 Osborn Rd and could not associate either the sender or addressee names to the respective addresses, indicating fictitious names were listed on the parcel.
16. During initial investigation of USPS parcels mailed to 4945 Osborn Rd and 4947 Osborn Rd in Garfield Heights, OH and 14514 Wessex St in Tampa, FL, your Affiant examined USPS business records and identified approximately 75 other USPS parcels associated with this investigation that were mailed between Tampa, FL and the Cleveland, OH area from August 2018 through June 2019. Based on characteristics of the USPS parcels, including but not limited to the handwriting, names, and addresses listed on the labels, your Affiant believes all of the aforementioned USPS parcels mailed between Tampa, FL and Cleveland, OH are related. Additionally, the addressee and sender names on the USPS parcels appeared to be fictitious names.

17. Based on experience with other drug trafficking investigations involving the U.S. Mail, your Affiant suspected the aforementioned parcels mailed between Cleveland, OH and Tampa, FL contained controlled substances, proceeds derived from the sale of controlled substances, and/or other contraband. Your Affiant intended on intercepting a USPS parcel mailed from Tampa, FL to Cleveland, OH in order to identify the contents.
18. On May 17, 2019, while reviewing USPS business records, your Affiant identified USPS Priority Mail parcel bearing tracking number 9505 5147 0492 9136 2403 54, addressed to Delores Steel, 4947 Osborn Rd, Garfield Heights, OH 44128, with a return address of Andre Hicks, 6915 N Glenn, Tampa, FL 33614 (hereinafter "USPS parcel 9505 5147 0492 9136 2403 54 or Seizure 1"). USPS parcel 9505 5147 0492 9136 2403 54 was enroute from Tampa, FL to Cleveland, OH when it was identified by your Affiant.
19. On May 18, 2019, USPIS personnel intercepted USPS parcel 9505 5147 0492 9136 2403 54 at the USPS Cleveland, OH Processing & Distribution Center and it was secured in the Postal Police Officer office located at the aforementioned facility. On May 20, 2019, Your Affiant subsequently took custody of USPS parcel 9505 5147 0492 9136 2403 54.
20. USPS parcel 9505 5147 0492 9136 2403 54 is described as a white Priority Mail Mailing Envelope weighing approximately 5 pounds, 10 ounces. USPS parcel 9505 5147 0492 9136 2403 54 was mailed on May 16, 2019, from the Tampa, FL 33618-1814 Post Office and bore \$14.95 in U.S. Postage. The handwriting on USPS parcel 9505 5147 0492 9136 2403 54 was consistent with other USPS parcels mailed from Tampa, FL to Cleveland, OH.
21. Your Affiant made inquiries with CLEAR concerning the delivery address of 4947 Osborn Rd, Garfield Heights, OH 44128, and was unable to associate an individual by the name of Delores Steel at the address. Your Affiant also made inquiries with CLEAR concerning the return address of 6915 N Glenn, Tampa, FL 33614, and was unable to associate an individual by the name Andre Hicks at the address.
22. On May 20, 2019 at the USPIS Cleveland, OH Field Office, USPS parcel 9505 5147 0492 9136 2403 54 was placed into a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine "Ciga", handled by Detective Michael Twombly of the Cuyahoga County Sheriff's Office was allowed to examine the lineup. According to Detective Twombly, Ciga gave a positive alert on USPS parcel 9505 5147 0492 9136 2403 54 and none of the blank parcels. According to Detective Twombly, this positive alert meant Ciga detected the odor of an illegal drug emanating from USPS parcel 9505 5147 0492 9136 2403 54.

23. On May 20, 2019 in the Northern District of Ohio, the Honorable Magistrate Judge Thomas M. Parker authorized a search warrant for USPS parcel 9505 5147 0492 9136 2403 54. On May 20, 2019, your Affiant executed the search warrant and identified five clear knotted baggies containing thousands of pills. Three of the clear baggies contained blue round pills marked as “M” on one side and “30” on the other. Two of the clear baggies contained green round pills marked as “M” on one side and “15” on the other. Based on the markings, the pills were purported to be Oxycodone Hydrochloride 30 mg and 15 mg pills respectively. The pills were concealed in jeans pockets.
24. On May 21, 2019, your Affiant submitted the pills seized from USPS parcel 9505 5147 0492 9136 2403 54 to the Cuyahoga County Forensic Science Laboratory (CCRFSL) for chemistry examination. On May 28, 2019, the CCRFSL issued a Physical Evidence Examination Report stating there were approximately 2,653 blue tablets found to contain Heroin, Fentanyl, Carfentanil, and Acetylfentanyl with a net weight of approximately 421.94 grams; and approximately 1,745 green tablets found to contain Heroin, Fentanyl, and Acetylfentanyl with a net weight of 279.29 grams. Heroin and Acetylfentanyl are schedule I controlled substances. Fentanyl and Carfentanil are scheduled II controlled substances.
25. On May 23, 2019, while reviewing USPS business records, your Affiant identified USPS Priority Mail parcel bearing tracking number 9505 5132 5376 9142 4826 21, addressed to Stephanie Netters, 3294 E 135th St, Cleveland, OH 44120, with a return address of Culture Waist LLC, 11601 N Dalemabry Hwy #217, Tampa, FL 33618 (hereinafter “USPS parcel 9505 5132 5376 9142 4826 21 or Seizure 2”). USPS parcel 9505 5132 5376 9142 4826 21 was enroute from Tampa, FL to Cleveland, OH when it was identified by your Affiant.
26. On May 24, 2019, USPS personnel intercepted USPS parcel 9505 5132 5376 9142 4826 21 at the USPS Cleveland, OH Processing & Distribution Center and it was secured in the Postal Police Officer office located at the aforementioned facility. On May 24, 2019, your Affiant took custody of USPS parcel 9505 5132 5376 9142 4826 21.
27. USPS parcel 9505 5132 5376 9142 4826 21 is described as a white Priority Mail Mailing Envelope weighing approximately one pound, seven ounces. USPS parcel 9505 5132 5376 9142 4826 21 was mailed on May 22, 2019, from the Tampa, FL 33618-9998 Post Office and bore \$10.40 in U.S. Postage. USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1) was mailed from the Tampa, FL 33618-1814 Post Office. The two post offices are less than three miles apart. Based on characteristics of both parcels, your affiant believed USPS parcel 9505 5132 5376 9142 4826 21 was related to USPS parcel 9505 5147 0492 9136 2403 54 and other USPS parcels identified throughout this investigation.

28. Your Affiant made inquiries with CLEAR concerning the delivery address of 3294 E 135th St, Cleveland, OH 44120, and was unable to associate an individual by the name of Stephanie Netters at the address. Your Affiant also made inquiries with CLEAR concerning the return address of 11601 N Dalemabry Hwy #217, Tampa, FL 33618, and was unable to associate a business by the name Culture Waist LLC at the address. According to internet searches a Red Lobster restaurant is located at the listed return address.
29. On May 24, 2019 at the USPS Cleveland, OH Field Office, USPS parcel 9505 5132 5376 9142 4826 21 was placed into a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine "Ciga", handled by Detective Michael Twombly of the Cuyahoga County Sheriff's Office was allowed to examine the lineup. According to Detective Twombly, Ciga gave a positive alert on USPS parcel 9505 5132 5376 9142 4826 21 and none of the blank parcels. According to Detective Twombly, this positive alert meant Ciga detected the odor of an illegal drug emanating from USPS parcel 9505 5132 5376 9142 4826 21.
30. On May 24, 2019 in the Northern District of Ohio, the Honorable Magistrate Judge Thomas M. Parker authorized a search warrant for USPS parcel 9505 5132 5376 9142 4826 21. On May 24, 2019, your Affiant executed the search warrant and identified approximately thousands of white, green, and blue round pills in a clear vacuum sealed food saver bag. The white round pills were marked as "M" on one side and "05 52" on the other side. The green round pills were marked as "M" on one side and "15" on the other side. The blue round pills were marked as "M" on one side and "30" on the other side. The pills were purported to be Oxycodone Hydrochloride 10 milligram, 15 milligram and 30 milligram respectively.
31. On May 24, 2019, your Affiant submitted the pills to the CCFSL for chemistry examination. On June 4, 2019, the CCRFSL issued a Physical Evidence Examination Report stating there were approximately 864 blue tablets found to contain Heroin, Fentanyl, Carfentanil, and Acetylfentanyl with a net weight of approximately 140.84 grams; approximately 879 green tablets found to contain Heroin, Fentanyl, and Acetylfentanyl with a net weight of approximately 139.75 grams; and approximately 2,670 white tablets with no controlled substance or other significant compound found.
32. On June 6, 2019, based on information provided by your Affiant and DEA Special Agents in Cleveland, OH, DEA Special Agents and Postal Inspectors in Tampa, FL conducted surveillance at 14514 Wessex St, Tampa, FL 33625, the address where several USPS Priority Mail parcels were mailed to from Cleveland, OH. At approximately 3:07 p.m., investigators observed two African-American males exit 14514 Wessex St and enter a black Toyota Tundra with an Ohio license plate. Investigators conducted mobile surveillance on the black Tundra

and observed it travel directly from 14514 Wessex St to the Tampa, FL 33614 Post Office located on Hillsborough Ave.

33. Investigators observed one of the African-American males exit the black Tundra and enter the post office carrying white parcels. From approximately 3:32 p.m. through 3:35 p.m. from inside the Tampa, FL Post Office, the African-American male mailed four parcels to four different addresses in Ohio via Priority Mail. Investigators observed the mailer exit the post office and return to the black Tundra. Investigators observed the black Tundra return directly to the residence at 14514 Wessex St.
34. A Postal Inspector in Tampa, FL intercepted the four parcels at the Tampa, FL 3314 Post Office. The four parcels were securely packaged together and sent via Priority Express Mail (overnight) to your Affiant.
35. On June 7, 2019, your Affiant took possession of the four Priority Mail parcels. The handwriting on three of the four USPS parcels was consistent with other USPS parcels identified throughout this investigation, but most notably USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1).
36. Furthermore, three of the parcels were mailed in white USPS Priority Mail Mailing Envelopes, similar to USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1) and USPS parcel 9505 5132 5376 9142 4826 21 (Seizure 2).
37. The first parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5154 2292 9157 3753 69, addressed to Jasmine Holder, 5993 Randy Rd, Bedford Heights, OH 44146, with a return address of Anthony Mitchell, 8809 Cameron Crest Dr, Tampa, FL 33626 (hereinafter "USPS parcel 9505 5154 2292 9157 3753 69"). USPS parcel 9505 5154 2292 9157 3753 69 is described as a white Priority Mail Mailing Envelope weighing approximately one pound, seven ounces. USPS parcel 9505 5154 2292 9157 3753 69 bore \$10.40 in U.S. Postage.
38. Your Affiant made inquiries with CLEAR concerning the delivery address of 5993 Randy Rd, Bedford Heights, OH 44146, and was unable to associate an individual by the name of Jasmine Holder at the address.
39. The second parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5154 2292 9157 3753 76, addressed to James Smith, 2925 S Moreland Blvd, Cleveland, OH 44120, with a return address of Anthony Mitchell, 8809 Cameron Crest Dr, Tampa, FL 33626 (hereinafter "USPS parcel 9505 5154 2292 9157 3753 76"). USPS parcel 9505 5154 2292 9157 3753 76 is described as a white Priority Mail Mailing Envelope weighing approximately one pound, nine ounces. USPS parcel 9505 5154 2292 9157 3753 76 bore \$10.40 in U.S. Postage. This is the one parcel where the handwriting was not consistent with USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1).

40. Your Affiant made inquiries with CLEAR concerning the delivery address of 2925 S Moreland Blvd, Cleveland, OH 44120, and was unable to associate an individual by the name of James Smith at the address.
41. The third parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5154 2292 9157 3753 83, addressed to M. Proctor, 2219 Penn Pl, Canton, OH 44704, with a return address of Anthony Mitchell, 8809 Cameron Crest Dr, Tampa, FL 33626 (hereinafter "USPS parcel 9505 5154 2292 9157 3753 83"). USPS parcel 9505 5154 2292 9157 3753 83 is described as a white Priority Mail Mailing Envelope weighing approximately three pounds, two ounces. USPS parcel 9505 5154 2292 9157 3753 83 bore \$13.40 in U.S. Postage. This is the second USPS parcel mailed from Tampa, FL to 2219 Penn Pl, Canton, OH 44704 identified by your Affiant.
42. Your Affiant made inquiries with CLEAR concerning the delivery address of 2219 Penn Pl, Canton OH 44704, and was able to associate an individual by the name of MARVIN S. PROCTOR at the address.
43. The fourth parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5154 2292 9157 3753 90, addressed to James Jones, 16202 Bryce, Cleveland, OH 44128, with a return address of Anthony Mitchell, 8809 Cameron Crest Dr, Tampa, FL 33626 (hereinafter "USPS parcel 9505 5154 2292 9157 3753 90"). USPS parcel 9505 5154 2292 9157 3753 90 is described as a white Priority Mail Box with black duct tape across the seams weighing approximately two pounds, seven ounces. USPS parcel 9505 5154 2292 9157 3753 90 bore \$19.95 in U.S. Postage.
44. Your Affiant made inquiries with CLEAR concerning the delivery address of 16202 Bryce Ave, Cleveland, OH 44128 and was unable to associate an individual by the name of James Jones at the address.
45. Your Affiant also made inquiries with CLEAR concerning the return addresses listed on all four parcels of Anthony Mitchell, 8809 Cameron Crest Dr, Tampa, FL 33626, and was unable to associate an individual by the name of Anthony Mitchell at the address.
46. Your affiant knows based on training and experience, that individuals using the U. S. Mails for the purpose of transporting controlled substances, proceeds derived from the sale of controlled substances, or other contraband will often place fictitious address, name and/or phone number information, different variations of their names, or no names at all on these parcels, to conceal their true identities from law enforcement should the parcel be seized.
47. For the purpose of this affidavit in support of a criminal complaint against MARVIN S. PROCTOR, it should be noted that when USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1) was mailed from Tampa, FL on May 16, 2019, the

- parcel was mailed with two other USPS Priority Mail parcels. One was addressed to Michael Proctor, 2219 Penn Pl, Canton, OH 44704 and the other was addressed to James Jones, 16202 Bryce Ave, Cleveland, OH 44128. Your affiant made inquiries with CLEAR and was unable to identify an individual by the name of Michael Proctor at 2219 Penn Pl, Canton, OH 44704 or an individual by the name of James Jones at 16202 Bryce Ave, Cleveland, OH 44128.
48. The mailing activity on May 16, 2019 was similar to the mailing activity on June 6, 2019, in that parcels were mailed at the same time from Tampa, FL to 2219 Penn Pl, Canton, OH 44704 and 16202 Bryce Ave, Cleveland, OH 44128. The Penn Pl and Bryce Ave parcels mailed on May 16, 2019 were not intercepted, but delivered to their respective delivery addresses. Based on the foregoing, your Affiant believes that the parcels mailed on May 16, 2019 to 2219 Penn Pl and 16202 Bryce Ave contained the same pills that were identified in USPS parcel 9505 5147 0492 9136 2403 54 (Seizure 1).
49. On June 7, 2019 at the USPIS Cleveland, OH Field Office, USPS parcels 9505 5154 2292 9157 3753 69 and 9505 5154 2292 9157 3753 76 were placed into a lineup containing several blank parcels which emanated no narcotics odors. USPS parcels 9505 5154 2292 9157 3753 83 and 9505 5154 2292 9157 3753 90 were placed into a separate lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine "Jimmy", handled by Detective Anthony Quirino of the Cuyahoga County Sheriff's Office was allowed to examine the lineups. According to Detective Quirino, Jimmy gave positive alerts on USPS parcels 9505 5154 2292 9157 3753 69, 9505 5154 2292 9157 3753 76, 9505 5154 2292 9157 3753 83, and 9505 5154 2292 9157 3753 90, and none of the blank parcels. According to Detective Quirino, these positive alerts meant Jimmy detected the odor of an illegal drug emanating from USPS parcels 9505 5154 2292 9157 3753 69, 9505 5154 2292 9157 3753 76, 9505 5154 2292 9157 3753 83, and 9505 5154 2292 9157 3753 90.
50. On June 7, 2019 in the Northern District of Ohio, the Honorable Magistrate Judge Jonathan D. Greenberg authorized a search warrant for the four USPS Priority Mail parcels. On June 7, 2019, your Affiant executed the search warrants and identified an aggregate amount of approximately thousands of white, green, and blue round pills in clear vacuum sealed food saver bags that were concealed in clothing or other items.
51. USPS parcel 9505 5154 2292 9157 3753 83, addressed to M. Proctor, 2219 Penn Pl, Canton, OH 44704 contained approximately thousands of green and blue pills separated in clear vacuum sealed food saver bags and concealed in black pants and green bubble wrap. The green pills were marked as "M" on one side and "15" and the blue pills were marked as "M" on one side and "30" on the other. The pills were consistent with the previously seized pills that were examined by the CCRFSL and found to contain Heroin, Fentanyl, Acetylfentanyl and/or Carfentanil.

52. On June 10, 2019, your Affiant submitted the pills to the CCRFSL for chemistry examination. On June 11, 2019, the CCRFSL issued a verbal preliminary examination report of the green and blue pills seized from USPS parcel 9505 5154 2292 9157 3753 69. The CCRFSL stated the green and blue pills were found to contain Heroin, a Schedule I controlled substance, Fentanyl, a Schedule II substance, Acetylfentanyl, a Schedule I controlled substance, and Carfentanil, a Schedule II controlled substance. Due to the amount of pills seized from each USPS parcel, only the first of the four items submitted to the CCRFSL have been examined.
53. Based on the green and blue pills seized from other USPS parcels that have been examined by the CCRFSL and found to contain Heroin, Fentanyl, Acetylfentanyl, and Carfentanil, your Affiant reasonably believes that the green and blue pills seized from USPS parcel 9505 5154 2292 9157 3753 83, addressed to M. Proctor, 2219 Penn Pl, Canton, OH 44704 will also contain Heroin, Fentanyl, Acetylfentanyl, and Carfentanil.
54. On June 10, 2019, law enforcement officers with the USPIS, DEA, Canton Police Department, and Stark County Metro Narcotics conducted a controlled delivery of USPS parcel 9505 5154 2292 9157 3753 83, addressed to M. Proctor, 2219 Penn Pl, Canton, OH 44704. It should be noted that the intended delivery address of the parcel was 2219 Penn Pl NE. The parcel omitted the "NE." Prior to the controlled delivery, your Affiant removed all of the illicit pills from the parcel and replaced them with a non-controlled substance.
55. At approximately 11:55 a.m., an individual identified as MARVIN S PROCTOR accepted USPS parcel 9505 5154 2292 9157 3753 83 from a Postal Inspector acting in an undercover capacity as a USPS Letter Carrier. At approximately 12:10 p.m., law enforcement officers executed a federal search warrant on the residence that was obtained early on this day in the Northern District of Ohio by the Honorable Magistrate Judge Jonathan D. Greenberg. PROCTOR was identified inside as the lone occupant. USPS parcel 9505 5154 2292 9157 3753 83 and its contents were located in both the living room and the kitchen.
56. Postal Inspector Myrick Dennis and DEA Task Force Officer (TFO) Darren Stout identified themselves to PROCTOR and showed him their credentials. Inspector Dennis read PROCTOR his rights per Miranda from Form DEA-13, Advice of Rights. PROCTOR confirmed he understood his rights, agreed to answer questions without an attorney present, and signed the same form. In summary, PROCTOR admitted he opened the parcel and threw the outer envelopes in the kitchen trash, leaving the inner contents on his living room couch. PROCTOR gave verbal consent to search his cellular telephones, which Inspector Dennis did in PROCTOR's presence. Inspector Dennis identified multiple text message conversations on PROCTOR's silver Samsung phone discussing what appeared to be prices and quantities for illicit pill transactions. Specifically, several messages

discussed “15s”, “30s”, and “blues”, which are consistent with the pills seized throughout this investigation found to contain Heroin, Fentanyl, Acetylfentanyl and/or Carfentanil, but purported to be Oxycodone Hydrochloride.

57. PROCTOR also told Inspector Dennis and TFO Stout that there was a loaded handgun under a cushion of his living room couch. TFO Stout recovered this handgun, further identified as an FEG Model PJK-9HP with serial number F16592. This firearm was manufactured outside of Ohio. This handgun was loaded with an extended magazine with 27 rounds in it, as well as one round in the chamber, and the hammer was cocked. PROCTOR told the law enforcement officers he knew he was not supposed to possess any firearms and that this would get him in trouble.
58. According to the Stark County, OH Clerk of Courts website, PROCTOR had eight different criminal cases from 2004 through 2017. PROCTOR had several F4 and F5 felony convictions from the criminal cases that were punishable of more than one year in prison. On September 16, 2015, PROCTOR pled guilty to possession of cocaine (F4) and trafficking in cocaine (F4) and was sentenced to 17 month in prison. On January 19, 2018, PROCTOR pled guilty to improperly handing firearms in a motor vehicle (F4) and aggravated possession of drugs (F5) and was sentenced to 10 months in prison.
59. Based on the information contained in this affidavit, I believe there is probable cause to believe that on June 10, 2019 in the Northern District of Ohio, MARVIN S. PROCTOR committed violations of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), that is attempted possession with intent to distribute Heroin, Fentanyl, Acetylfentanyl, and Carfentanil, Schedule I and II controlled substances, and Title 21, United States Code, Sections 846, conspiracy to possess with intent to distribute Heroin, Fentanyl, Acetylfentanyl, and Carfentanil, and Title 18 United States Code, Section 922(g), felon in possession of a firearm.

MARC A. KUDLEY
U.S. POSTAL INSPECTOR

This affidavit was sworn to by the affiant, who did no more than attest to its contents pursuant to Crim. R. 4.1 (b)(2)(A), by telephone after a PDF was transmitted by email, per Crim R. 4.1 THIS 11th DAY OF JUNE, 2019.

JONATHAN D. GREENBERG
U. S. MAGISTRATE JUDGE

